IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the matter of the PATENT application of

Joint Inventor Nenad Krtolica
Joint Inventor Dalibor Kukoleca

Title STANDARD BASED FIREWALL ADAPTER
FOR COMMUNICATION SYSTEMS AND METHOD

Ser.No. 10\676,174
Filed October 2, 2003

Patent Examiner Ellen C. Tran
Art Unit 2134
(571) 272-3842
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Commissioner for Patents
Washington D.C. 20231 April 19, 2007

FIRST RESPONSE
by way of
DECLARATION
UNDER 37 CFR 1.131

Sir;

STATUS

Claims 1-20 of this application stand rejected under 35 USC 102(e) because the invention was described in the United States application of another before the filing date by the applicants. The Xie application (US-2004/0059942 A1) was filed on September 20, 2002 (thirteen months before applicants' filing date) and published on March 25, 2004 (five months after applicants' filing date.

SUMMARY OF FACTS

Early in 2002, prior to the filing date of Xie, applicants conceived and developed a working prototype of the computer program for their Firewall Adapter invention. Applicants conferred with patent counsel concerning the working prototype. During the summer of 2002 applicants' employer underwent a corporate reorganization from VivoCom LLC to Adriacomm LLC. This eight-month period of change in corporate structure and

refinancing coincided with the bursting of the "Dot Com Bubble of 2000", and slowed development of the final production computer program. During this reorganization period applicants reformated the code, and enhanced the voice/video (real time) and transport communication protocol (TCP) features of their Firewall Adapter invention. The first production computer program was completed during the summer of 2003, just prior to filing this patent application.

DECLARATIONS

Applicants, Nenad Krtolica and Dalibor Kukoleca, submit declarations herewith in support of this early 2002 effort. The two declarations make reference to the following Exhibits:

Exhibit A - Claim Outline - footer date June 3, 2002. This claim outline (electro-static copy) shows keywords for 17 claims on the early 2002 working prototype. The June 2002 claim outline was printed on goldenrod paper stock, which has introduced a light gray background into the copy presented herewith.

Exhibit B - Rough Draft Claims 1-17 - footer date June 3, 2002. These claims (electro-static copy) are the 17 claims noted in Exhibit A claim outline. The June 2002 claims were printed on pink paper stock, which has introduced a light gray background into the copy presented herewith. The longhand notes appearing in the margins of these sheets and in the text of the claims, were the product of post 03 June 2002 work sessions during the reorganization period.

Exhibit C - Debit for Services - dated June 3, 2002. This debit (electro-static copy) indicates under the entry "Viv 12 FW.Adr - Firewall Adaptor - Patent Application" that applicants' patent attorney, Paul Hentzel, prepared the claim outline noted in Exhibit A

claim outline, edited claims noted in Exhibit B rough draft of the claims, and performed other patent application preparation actions between 09 May 2002 and 03 June 2002.

Exhibit D - Rough Draft of Written Description - footer date June 12, 2002. Exhibit D is rough draft of the supporting written description for the claims in Exhibit B rough draft of the claims. The longhand notes appearing in the margins of these sheets and in the text of the written description, were the product of post 03 June 2002 work sessions during the reorganization period.

Exhibit E - Claim Outline - footer date July 21, 2003. This claim outline (electro-static copy) shows keywords for 19 claims of the 20 claims in applicants' filed application. The keywords of claims 1-5 of the later July 2003 outline (Exhibit E) are identical to the keywords of claims 1-5 of the earlier June 2002 prototype outline (Exhibit A). The keywords of claims 8-19 of the later July 2003 outline are identical to the keywords of claims 6-17 of the earlier June 2002 prototype outline. Claims 6 and 7 of the later July 2003 outline concern the TCP and voice and video embodiments developed during the reorganization period. The later July 2003 outline of these 19 claims was printed on goldenrod paper stock, which has introduced a light gray background into the copy presented herewith.

CONCLUSION

In view of the foregoing, applicants urge the Examiner to withdraw the 102(e) Xie rejection and allow applicants' claims 1-20.

enc.
2 Declarations
Return Postcard

Respectfully Submitted

Nenad Krtolica, Applicant
April 19, 2007
(408) 306-8696

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the matter of the PATENT application of:

Joint Inventor Nenad Krtolica
Joint Inventor Dalibor Kukoleca

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DECLARATION

OF NENAD KRTOLICA

REGARDING THE FACTS SURROUNDING

THE EARLY CONCEPTION AND REDUCTION TO PRACTICE

OF THE ABOVE PATENT APPLICATION

I Nenad Krtolica, joint inventor of the above patent application, hereby declare that:

1) I was Chief Technical Officer for VivoCom LLC from late 2001 until mid 2002, and I am familiar with the invention and patent affairs thereof, including the conception and development of the early 2002 working prototype of the computer program for our above Firewall Adapter invention.

2) I am now Chief Technical Officer of Adriacomm LLC, the successor company to VivoCom LLC, and I am familiar with the invention and patent affairs thereof, including the 2003 production computer program for our above Firewall Adapter invention.

3) Early in 2002 Dalibor Kukoleca and I conceived and developed an early prototype of the computer program

for our above Firewall Adapter invention, which included such features as client ports, standard aware firewalls, servers, tunneling, and multiplexing.

4) Early in 2002, VivoCom LLC engaged the services of a patent attorney, Paul Hentzel, to prepare a patent application on the Firewall Adapter invention. Dalibor Kukoleca and I met with Paul Hentzel during February and April of 2002 to discuss the claim outline (see Exhibit A) and the claims (see Exhibit B) and the supporting written description (see Exhibit D) for our Firewall Adapter invention. The attorney docket number for this 2002 effort was Viv 12 FW.Adr.

5) In June of 2002, VivoCom LLC received a debit from Paul Hentzel concerning these early services (see Exhibit C).

6) During an eight-month reorganization period beginning in the summer of 2002, Dalibor Kukoleca and I developed improvements in the computer program for our Firewall Adapter prototype, such as reformating the code to provide more efficient and faster execution, and enhancing the voice/video (real time) and transport communication protocol (TCP) features.

7) After the reorganization period, Dalibor Kukoleca and I continued working with Paul Hentzel on our Firewall Adapter invention (see Exhibit E), and on October 2, 2003, filed the present patent application on the early 2002 working prototype incorporating the 2003 improvements. The attorney docket number for this 2003 effort was changed to Adr 10 FW.Adr.

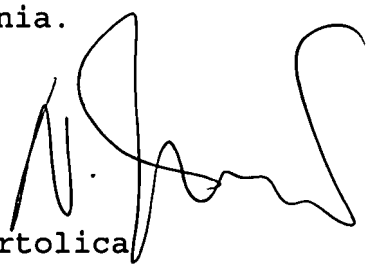
8) I further declare:

that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above application or any patent issued thereon; and

that this statement was executed on 04/22 in San Jose, California.

Signed



Nenad Krtolica

OUTLINE FOR CLAIMS

Sending/Receiving Units/Systems
Communication Network
Firewall - Standard Aware - information

Providing Firewall Adapter
Determining Send Adapter Port
Establishing Communication
Multiplexing
Sending
Receiving
DeMultiplexing

STANDARD BASED
fx** 2) Standard Aware is Standard Based

FIREWALLS
fx** 3) One Firewall

fx** 4) Two Firewalls S/R

COMMUNICATION NETWORK
fx** 5) Network Protocol
*
fx * ** 6) Internet
*
fx * ** 7) WAN
*
fx * ** 8) LAN

PORT DETERMINATION
fx** 9) Select Port

fx** 10) Range of Ports

fx** 11) PreDetermined
*
fx * ** 12) Default Port
*
fx * ** 13) HTTP Port

fx** 14) S/R same determined port

CHANNEL
fx** 15) Open Channel

PROXY
fx** 16) Proxy Server
* Directing - public address
* Redirecting private address
*
* ** 17) Translating

WE CLAIM AS OUR INVENTION

1) A method of communicating information from a sending client unit within a send computer system to a receiving client unit within a receive computer system, over a communication network through a send firewall and/or a receive firewall, each client unit having a standard aware communication application for processing the information through a plurality of client ports, comprising the steps of:

providing
a send firewall adapter
in the send system and
a receive firewall adapter
in the receive system,
for controlling the passing
of information through the firewall(s);

determining
a send port
in the send firewall adapter and
a receive port
in the receive firewall adapter,
from a plurality of
firewall network ports;

establishing
a network connection between
the send system and the receive system;

multiplexing the information
from the plurality of client ports
in the sending client unit
into the determined send port;

sending the multiplexed information
through the determined send port
into the communication network;

receiving the sent multiplexed information
out of the communication network
through the determined receive port;

demultiplexing the received information
from the determined receive port
into the plurality of client ports
in the receiving client unit;

for communicating information
from the sending client unit
to the receiving client unit. #.

Standard Based

2) The method of Claim 1#, wherein the standard aware communication application within each client unit is standard based #.

FIREWALLS

One Firewall

3) The method of Claim 1#, wherein the firewall is a single firewall between the communication network and either the send system or the receive system #.

Two Firewalls

4) The method of Claim 1#, wherein the firewall is at least two firewalls, a send firewall between the communication network and the send system and a receive firewall between the communication network and the receive system #.

COMMUNICATION NETWORK

Protocol

5) The method of Claim 1#, wherein the communication network has a communication protocol for communicating information #.

Internet

6) The method of Claim 5#, wherein the communication network is the internet #.

WAN

7) The method of Claim 5#, wherein the communication network is a wide area network #.

LAN

8) The method of Claim 5#, wherein the communication network is a local area network #.

PORT DETERMINATION

Select Port

9) The method of Claim 1#, wherein the determined ~~send port and/or receive port~~ is selected by the send system #.

Range of Ports

10) The method of Claim 1#, wherein the determined ~~send port and/or receive port~~ is selected from a range of firewall network ports #.

Predetermined

11) The method of Claim 1#, wherein the determined ~~send port and/or receive port~~ is predetermined #.

Default

12) The method of Claim 11#, wherein the determined ~~send port and/or receive port~~ is a default network port #.

Default HTTP - 80

13) The method of Claim 12#, wherein the determined default network port is the HTTP network port #.

Send = Receive

14) The method of Claim 1#, wherein the determined send port is the same network port as the determined receive port #.

CHANNELS

15) The method of Claim 1, further comprising before the sending step the additional step of:

opening a logical communication channel within the determined send port #.

PROXY SERVER

16) The method of Claim 1, further comprising between the sending step and the receiving step the additional steps of:

directing the information
from the send system to a proxy server
within the communication network,
at a public address of the receive system
known to the send system; and

redirecting the information
from the proxy server to the receive system,
at a private address of the receive system
known to the proxy server #.

17) The method of Claim 16, further comprising after the directing step and before the redirecting step, the additional step of:

translating by the proxy server,
the public address of the receive system to
the private address of the receive system #.